

Article 20.

Miscellaneous Regulatory Provisions

Applicable Both to Department and Commission.

§ 113-261. Taking Fish for Scientific Purposes. (a) The Department, the Commission, and any agency of the United States with jurisdiction over fish is hereby granted the right to take fish within the State, to conduct fish cultural operations and scientific investigations in the several waters of North Carolina, and to erect fish hatcheries and fish propagating plants without regard to any licensing or permit requirements in this subchapter.

(b) The Department with respect to fish in coastal fishing waters and the Commission with respect to fish in inland fishing waters may provide for the issuance of permits, on such terms as they deem just and in the best interests of conservation, authorizing persons to take such fish through the use of drugs, poisons, explosives, electricity, or any other normally prohibited manner. Such permits need not be restricted solely to victims of depredations or to scientific or educational institutions, but should be issued only for good causes.

§ 113-262. Prohibited Takings. (a) Except as otherwise provided in this Article, or in regulations permitting use of electricity to take certain fish, it is a misdemeanor punishable in the discretion of the court to take any fish through the use of poisons, drugs, explosives, or electricity.

(b) The possession of any fish which bears evidence of having been killed in violation of this Section constitutes prima facie evidence that the person in possession intentionally took such fish.

§ 113-263. Inspecting Plans and Specifications of Dams. The Department and the Commission, in addition to other agencies primarily responsible, may inspect the plans and specifications of all dams proposed to be built, in North Carolina or elsewhere within the United States, the design or proposed mode of construction of which may have an adverse effect upon fish within the State. The Department or the Commission, as the case may be, may be heard before the appropriate agency charged with approving said plans and specifications, and due consideration shall be given to said Department or Commission in the approval or disapproval of the plans and specifications of proposed dams by the agencies so charged with said duty.

§ 113-264. Regulatory Power Over Property of Agency. The Board and the Commission are granted the power by regulation to license, regulate, prohibit, or restrict the public as to use and enjoyment of, or harm to, any property of the Department and the Commission, and may charge the public reasonable fees for access to or use of such property. "Property" as the word is used in this Section is intended to be broadly interpreted and includes lands, buildings, vessels, vehicles, equipment, markers, stakes, buoys, posted signs and other notices, trees and shrubs and artificial constructions in boating and fishing access areas, and all other property owned, leased, or managed by either the Department or the Commission. Wilful destruction of any property of the Department or the Commission is a misdemeanor punishable in the discretion of the court.